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May 27, 2026

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Robert Daley  
New York State Department of Environmental Conservation (DEC)  
Division of Lands and Forests  
1115 NYS Route 86  
P.O. Box 296  
Ray Brook, NY 12977-0296

RE: Downhill Mountain Bike Trail Course at Whiteface Mountain Ski Center  
Intensive Use Area

Dear Mr. Daley:

Protect the Adirondacks has reviewed the draft Work Plan for the United Cycliste Internationale (UCI) Downhill World Cup Course Layout and Construction of Temporary Features at the Whiteface Mountain Intensive Use Area, managed by the Olympic Regional Development Authority (ORDA), that was noticed in the May 13, 2026 Environmental Notice Bulletin (ENB). We greatly appreciate that the draft Work Plan was noticed in the ENB well in advance of the anticipated use of the racecourse in October 2026.

The draft Work Plan makes clear that the temporary UCI racecourse will only be located on existing infrastructure identified as ski trails and mountain bike trails in the Whiteface Mountain Unit Management Plans (UMP). The ski trails to be used for the racecourse include open ski trails as well as a forested ski trail (or glade area) that we understand that ORDA includes in the mileage for Whiteface Mountain ski trails approved by the 1941 and 1987 constitutional amendments that authorize up to 25 miles of ski trails and "appurtenances thereto", for the purpose of creating a downhill ski area, which otherwise would be prohibited by Article 14, § 1 of the New York State Constitution, the Forever Wild Clause.

The mountain biking trails are located in forested areas of the mountain (one within a small patch of trees between open ski trails and another in a forested section of trees adjacent to a ski trail). We note that the proposed 2026 racecourse is located below the general habitat area for Bicknell Thrush (which is above 2,800 feet in elevation).

**Protect the Adirondacks**

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## **Racecourse on Open Ski Trails and Glade Areas**

The Work Plan states that the features (e.g., berms, jumps) will be constructed on the open ski trail portions of the course and will not involve the cutting of any trees. Features that are not compatible with the winter use of the ski trails will be removed and other features will remain to be incorporated into winter terrain park features or covered by snow. The Work Plan states that disturbed areas will be seeded with a native seed mix. We urge ORDA and DEC to use great care when sourcing the native seed mix to ensure that it is not contaminated with invasive plant species.

The Work Plan states that the portions of the course within the glade area called High Country will not involve any new construction and will not involve any tree cutting. However, the Work Plan fails to address whether any trees were cut during the illegal work performed here in 2025 without a work plan. This omission should be addressed in the 2026 Work Plan.

The features that were constructed in 2025 will be used again this year. After the race, ORDA proposes to leave all of the features (## 2, 3, 5-21) remaining in the High Country glade area. However, we urge DEC to require ORDA to take remedial action to remove the features, level the soil, and restore the natural terrain of the racecourse within the High Country glade area. Otherwise, the permanent alterations of the terrain from leaving those features in place would be allowing the construction of new permanent improvements without conformance with an adopted UMP. An improvement is defined in the State Land Master Plan (at 18) as “any change in or addition to land, which materially affects the existing use, condition or appearance of the land or any vegetation thereon, including but not limited to . . . bicycle trails.” The construction of these features would be new improvements, materially changing the appearance of the land and vegetation, that have not been approved in an adopted UMP. While the existing UMPs authorized mountain biking trails, nothing has authorized the construction of these new permanent mountain bike features, as further explained below.

## **Racecourse on Mountain Bike Trails**

The Work Plan states that the portions of the course on the mountain bike trails (The Judge and True Blue) will not involve any new construction and will not involve any tree cutting. Again, the failure to assess possible tree cutting in 2025 should be remedied.

The features that were constructed in 2025 will be used again this year. However, the Work Plan states that all of the features on the mountain bike trails will remain in place after the race is completed. We urge DEC to require ORDA to remove all of the features (## 30, 32-35, 39-40) on the existing mountain bike trails and completely restore the natural terrain of the trails. Allowing those features to remain as permanent alterations of the terrain would be allowing the construction of new permanent improvements without conformance with an adopted UMP. As noted above, the construction of the features on the mountain bike trails would be new improvements as defined in the State Land Master Plan (at 18), materially changing the appearance of the land and vegetation, that have not been approved in an adopted UMP. While the existing UMPs authorized mountain biking trails, such as The Judge and True Blue, nothing has authorized the construction of these new permanent features.

The 2021 UMP states that new mountain biking trails will not be constructed until the new Trail Design Guidance document under development with the Trail Stewardship Working Group is

completed. The Trail Design Guidance document has not yet been completed, so the new mountain biking racecourse features should not be allowed to remain on those trails.

Additionally, the draft Work Plan states that the mountain bike racecourse will be 20 feet wide, with even more width for safety zones and spectator watching. This width is at variance with the published 2018 NYS DEC Management Guidelines for Siting, Construction and Maintenance of Singletrack Bicycle Trails on Forest Preserve Lands in the Adirondack and Catskill Parks (Management Guidance).<sup>1</sup> According to the Management Guidance, the widest permissible mountain bike trails are 36 inches. It is unclear if the mountain bike trails with the new features will be less than 36 inches. If they are wider than 36 inches, then they do not conform to the Management Guidance.

The Work Plan acknowledges that on a section of the existing mountain bike trail called “The Judge” that was used for the racecourse last year, rocks and/or soil are in direct contact with the base of four trees. The Work Plan calls for moving the rocks and soil so that they will not be in direct contact with the trees. We support this plan for remediation to protect the trees that are on or adjacent to the course. The future health of these trees should be monitored.

On a section of the existing bike trail “True Blue” that was used for the racecourse last year, rocks and/or soil are in direct contact with the base of six trees. The Work Plan calls for moving the rocks and soil so that they will not be in direct contact with the one tree that remains alive. We support the plan for remediation to protect the tree that is on or adjacent to the course. The Work Plan (p. 4) indicates that the other five trees “appear to be diseased and dying” and that ORDA and DEC will evaluate those trees to determine if any further action is needed. If the trees are still alive, the rocks and soils at the bases of those trees should be moved. If the trees are dead or dying, it is likely that ORDA’s placement of rock and soil in contact with them in 2025 killed them. The Work Plan should provide for the replanting of these trees and the protection of the new trees from damage by cyclists and skiers until they become fully established.

### **Remediation of Hiking Trail**

We are pleased that the proposed racecourse route will not use the Stag Brook hiking trail that was used last year. That portion of the racecourse will be relocated to the Lower Valley ski trail. However, the Work Plan does not call for any remediation of the Stag Brook hiking trail. Any features (specifically the 2025 jump, feature #36) that were constructed in that area last year should be removed and the area completely restored. In addition, any rocks and soil piled up at the bases of trees along the Stag Brook hiking trail must be removed. Any dead or dying trees should be replaced and the new trees protected.

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<sup>1</sup> Available at [https://extapps.dec.ny.gov/docs/lands\\_forests\\_pdf/bikeguidance.pdf](https://extapps.dec.ny.gov/docs/lands_forests_pdf/bikeguidance.pdf).



Portion of the 2025 racecourse immediately adjacent to Stag Brook

### **Other Issues**

The Work Plan fails to assess the impacts of spectator traffic on the wooded areas around the racecourse and to plan for avoidance and mitigation of the impacts of spectator traffic. This omission should be remedied.

The Work Plan also fails to assess the impacts of on-site sourcing soil and stone for the construction of berms and other features, and to plan for avoidance and mitigation of the impacts of this work on the areas where these materials will be obtained. This omission should be remedied. DEC should also determine whether this work requires a permit under the Mined Land Reclamation Law.

### **Constitutional Concerns with Racecourse**

When the People of the State of New York approved the constitutional amendments to Article 14, § 1 for the Whiteface Mountain Ski Center in 1941 and 1987, they did so to approve a downhill alpine ski area and not a summertime mountain bike racecourse. Use of the word “appurtenances” in the 1941 Whiteface Mountain amendment has consistently been taken to mean only the infrastructure that supports downhill skiing, which includes ski lifts (from T-bars to chair lifts to gondolas), snowmaking systems of pumps, sprayers, and water pipes, ski lodges, maintenance buildings, ski racing association buildings, reservoirs, parking lots, and the like.

Facilities, infrastructure, and improvements for summertime non-alpine ski related activities, such as mountain bike riding, are not “appurtenances” that support alpine skiing. A permanent mountain bike trail is not a subordinate part or accessory object of a downhill ski area. Riding a

bike does not require skis, nor is it part of the sport of skiing. The construction of a new mountain biking racecourse at Whiteface Mountain is not allowed under the 1941 constitutional amendment under the “appurtenances” umbrella.

Therefore, if ORDA and DEC seek to construct and operate a permanent mountain bike racecourse on Whiteface Mountain, then a constitutional amendment would be necessary. The width of the course corridor where riders will ride will be up to 20 feet wide, with additional areas on both sides of the course corridor to accommodate safety buffer areas and spectator viewing. The extent of the racecourse’s width and the disturbance of the natural terrain (e.g., grading, leveling, hardening, removal of rocks and other natural features) required to create the course would be substantial. Its manmade features would “require greater interference with the natural development of the Forest Preserve than is necessary to accommodate hikers”, and are therefore unconstitutional. Protect the Adirondacks v. NYSDEC and APA, 37 N.Y. 3d 73, 83-84 (2021) (snowmobile trails that were 9 to 20 feet wide found to be unconstitutional).<sup>2</sup>

Finally, the CP-78/Forest Preserve Work Plan Policy (CP-78) establishes the procedures for assessing the impacts of construction activities on the Forest Preserve and ensures that those activities are within the parameters set by Article 14 and by the Adirondack Park State Land Master Plan (Master Plan). The draft Work Plan as written does not analyze or answer any of the Article 14 questions mandated in CP-78 (at 3-4) for review. As shown above, there are Article 14 concerns that must be considered by the agencies when undertaking a project of this magnitude.

### **ORDA Must Undertake Additional Remediation and Future Planning**

In conclusion, we urge DEC to require ORDA to revise the Work Plan to state that additional remediation of the racecourse will take place after the event is held in October 2026. In addition, future planning through the UMP process, and a constitutional amendment, will be needed if ORDA and DEC seek to construct and operate a permanent mountain bike racecourse on Whiteface Mountain.

On behalf of the Board of Directors of Protect the Adirondacks, thank you for the opportunity to share our comments on this draft Work Plan.

Sincerely,



Claudia Braymer  
Executive Director

cc: Ashley Walden, ORDA President and CEO  
Michelle Crew, Esq., ORDA General Counsel  
Molly Breslin, Esq., DEC Office of General Counsel  
Megan Phillips, APA Deputy Director for Planning

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<sup>2</sup> The 2022 so-called “approved master plan” for the Whiteface mountain bike trail system (Work Plan Appendix H), which provides for the removal of 8,850 trees and the construction or widening of almost 15 miles of trails would also violate the Constitution. Id.